

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEM, INC.,
a Delaware Corporation,

Plaintiff,

vs.

SCOTTSDALE INSURANCE
COMPANY, an Ohio Corporation,

Defendant.

CASE NO. 3:20-cv-02950-CRB

Assigned to: Honorable Charles R. Breyer

~~[PROPOSED]~~ JUDGMENT

In light of this Court's Orders dated May 3, 2021 and July 30, 2021, as well as the Parties' Stipulation and Joint Request for Entry of Judgment, there are no further issues of fact or questions of law to be resolved by this Court.

ACCORDINGLY, IT IS HEREBY ORDERED that judgment shall be entered as follows:

1. Judgment is entered in favor of Stem, Inc. ("Stem") on its second claim for relief entitled "Breach of Contract (2016-2017 Policy)" for contractual damages in the amount of \$3,000,000.00, plus prejudgment interest of \$730,509.12 pursuant to California Code of Civil Procedure § 3289(b), for a total award of \$3,730,509.12.

///

2. Judgment is entered in favor of Scottsdale Insurance Company (“Scottsdale”) on Stem’s first claim for relief entitled “Breach of Contract (the 2013-2014 Policy),” and Stem’s third claim for relief entitled “Tortious Breach of the Implied Covenant of Good Faith and Fair Dealing.”
3. In response to Stem’s fourth claim for relief entitled “Declaratory Relief,” the Court declares that the 2017 Shareholder Lawsuit triggered Scottsdale’s defense obligations under the 2016-2017 Policy, subject to that Policy’s \$3,000,000.00 limit of liability.
4. The parties agree to each bear their own costs.

IT IS SO ORDERED.

January 7, 2022



Hon. Charles R. Breyer
United States District Court Judge